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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,041	09/29/1998	DANIEL P. VEDITZ	013.0067	9527

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EXAMINER

WILLETT, STEPHAN F

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/163,041Applicant(s)
VeditzExaminer
Stephan WillettArt Unit
2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 18, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the informalities noted on the PTO 948.

Correction is required.

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kito et al. with Patent Number 5,946,464 in view of Rogers et al. with Patent Number 5,974,441.

5. Regarding claims 1, 5, 9-12, 17, 21, 26, 30 and 32, Kito teaches an agent based distributed network. Kito teaches *a manifest about a software package* as "functions such as schedule, document management and workflow", col. 4, lines 9-33.

Kito teaches *a content source and functions related to its functionality* as "agent clients by which respective users define their agents", col. 4, lines 34-35.

Kito teaches *said data sources are processed in a network to achieve their expected functionality*

as "on the basis of the user's input, prepares agent definition information and transmits the prepared to the agent generation unit of the agent server through the network", col. 5, lines 23-26. Kito teaches the invention in the above claim(s) except for explicitly teaching *a browser*. In that Kito operates to generate control files in a network, the artisan would have looked to the computer network arts for details of implementing functions based on remote control files. In that art, Rogers, a related network browser, teaches "all processing of data is performed on the server, usually in the form of CGI programs using web server APIs", col. 9, lines 58-60 in order to provide the required data or functionality. Rogers specifically teaches "the client processing is restricted to the browser displaying the data, or calling a helper application" at col. 9, lines 60-61. A browser that used outside software and dependent files is taught. In addition, Rogers teaches **"the Java applet's execution is initiated by a web browser" and "the control agent [a second self contained software package] ... can communicate the results of the request ... to the Java applet [the first of many potential self contained software packages]"**, col. 10 and 11, lines 50-51 and 3-5, respectively. Further, Rogers suggests that "the restriction on client-side processing are addressed in general", col. 9, lines 65-66 will result from implementing the DIS. The motivation to incorporate a browser insures a user friendly interface. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the browser as taught in Rogers into the network described in Kito because Kito operates with computer networks and Rogers suggests that optimization can be obtained with browsers. Therefore, by the above rational, the above claims are rejected.

6. Regarding claims 2-4, 13-15, 22-25 and 31, Rogers teaches *HTML files, executable files and JAVA*, col. 10, lines 47-59. Thus, the above claim limitations are obvious in view of the

combination.

7. Regarding claims 6-8, 18-20 and 27-29, Rogers teaches *software and removable memory* as local database, col. 11, line 40. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

8. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

9. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

10. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references or the arguments presented in the Examiner's response regarding agent, cookie, etc.

11. Applicant repeatedly suggests the "self contained software package" Paper No. 9, Page 4, lines 4 distinguish the present application. The breath of the language that is introduced in the preamble with no further limitations reads on applet, agent, cookie, etc. Simply due to the fact the reference is in a distributed system, when the claims happen to be in the Internet environment, does not make the references inapplicable based on the breadth of the language used in the application's claims to resolve any perplexities. Kito was chosen to highlight the breadth of the claims and combined with a very applicable reference to legally enable a wide latitude of arguments to be made subsequently, if necessary. Thus, Applicant's arguments can

not be held as persuasive regarding patentability.

12. Applicant suggests “according to the Examiner, Kito et al. teaches ‘said data sources are processed in a network to achieve their expected functionality’” in Paper No. 12, Page 3, lines 20-21 and “its initial content source controls ‘said network client environment’”, Paper No. 12, Page 6, lines 11-12. The above argument is not commensurate with what is presently claimed since network was removed to make the claims even broader from Claim 1 and therefore will not be considered at this time. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

13. Applicant suggested repeatedly that the “self contained software package” Paper No. 9, Page 4, lines 4 distinguish the present application and “the Examiner failed to specifically address the remarks submitted by the applicant”, Paper No. 12, Page 4, lines 3-4. The breath of the language that is introduced in the preamble with no further limitations reads on agent, cookie, etc. Simply due to the fact the reference is in a distributed system, when the claims happen to be in the Internet or browser environment, does not make the references inapplicable based on the breadth of the language used in the application’s claims. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

14. Applicant suggested “since all content necessary to drive a particular functionality is CONTAINED within the self-contained package, the same may be executed totally and completely within a browser” in Paper No. 9, Page 4, lines 15-18. The above argument is not commensurate with what is presently claimed and therefore will not be considered at this time. The above limitations are not part of the present claims, self contained content would not make the claims non-obvious in any event and subsequently the suggestion that the claims enable

“software downloads, software distribution, etc” contradict the self contained argument. The applicant asserts similar arguments in Paper No. 12 and simply due to the fact the claim’s preamble states “self-contained software” does not mean “all content necessary to drive a particular functionality is CONTAINED within the self-contained package” as argued. Based on the foregoing, the Examiner has attempted to address all of the applicant’s remarks. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

15. The Examiner’s quote from a reference that left out one word but cited accurately the location of the quote is acknowledged and will be corrected.

16. Applicant suggests the “self contained software package includes all information necessary to deliver a particular functionality even if that functionality is achieved via accessing a downstream data source ob obtain processing instructions, etc.”, Paper No. 12, Page 7, lines 12-

14. The foregoing does not seem to be “self contained software” when its functionality is dependent on accessing downstream data sources. However, more importantly to aid in prosecution, applets, cookies, agents, etc. may be self contained or dependent on other data to perform their functionality. The many agents described in the references are not all dependent on outside data. Lastly, “self-contained software package” is very broad and without more structure is open to many interpretations in this environment unless read literally and based on the arguments presented such a literal interpretation would not be proper. Thus, Applicant’s arguments can not be held as persuasive regarding patentability..

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure is disclosed in the Notice of References Cited. To illustrate the above arguments a closer look at patents 6,049,819; 6,055,562; 5,944,783; 5,983,233; 6,009,456; and 6,029,456.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

March 27, 2002



LE HIEN LUU
PRIMARY EXAMINER